

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 97-410-C - ORDER NO. 97-1041

DECEMBER 12, 1997

IN RE: Application of Winstar Wireless of ) ORDER  
South Carolina, Inc. for a Certificate ) OVERRULING  
of Public Convenience and Necessity to ) OBJECTION  
Provide Switched and Non-Switched Local )  
Exchange and Interexchange Telecommuni- )  
cations Services within the State of )  
South Carolina. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the objection of Winstar Wireless of South Carolina, Inc. (Winstar or the Company) to the intervention in this docket of the Consumer Advocate for the State of South Carolina (the Consumer Advocate).

First, Winstar alleges that the Petition to Intervene was filed after the return date of November 28, 1997, and the Petition is therefore outside the legal time. We note that the return date was actually a State holiday, and that the Consumer Advocate filed his Petition on the first possible work day after the return date. Therefore the Petition was filed in a timely manner.

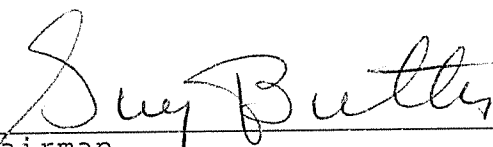
Second, Winstar states its belief that the Consumer Advocate failed to state his position in the Petition with a basis in fact or law, which would be a violation of the Commission's Regulations. We note, however, that the Consumer Advocate did state at least a plausible position in the Petition. The question

raised is whether the Application comports with the Commission's Rules and Regulations. Although we do not rule on the merits of this position, we do think that the Consumer Advocate has at least stated a position based on fact and law. This objection is therefore overruled.

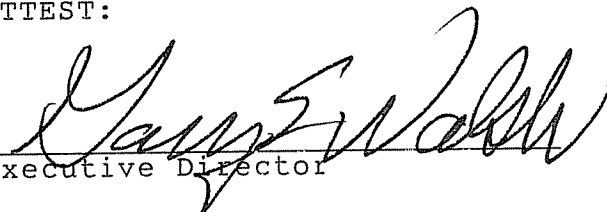
In summary, neither of the grounds for objection cited by Winstar are meritorious. Therefore, the objection is overruled, and the Consumer Advocate's Petition to Intervene should be accepted.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)